

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014080309

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING DATES

On November 25, 2014, the parties filed a join second request to continue the dates in this matter, based upon delay in having Student assessed in hopes of resolving the matter.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This is the second continuance, and no further continuances will be granted absent exceptional circumstances. OAH is not available on February 16, 2014, due to the Presidents' Day holiday, but the matter has been set on the other dates the parties requested. This matter will be set as follows:

Prehearing Conference:	February 6, 2015 at 10:00 AM
Due Process Hearing:	February 17, 18, and 19, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing will begin at 9:00 a.m. each day, with the exception of the first day of hearing, on which day the hearing will be begin at 1:30 p.m. unless otherwise ordered.

IT IS SO ORDERED.

DATE: November 25, 2014

/s/
KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings